

REMARKS

Reconsideration of the rejections set forth in the Office Action dated July 01, 2004, is respectfully requested. Applicants cancelled claims 1-25 to expedite prosecution and without prejudice to presenting these claims again in a further application, and added new claims 26-40. Support for the new claims is found throughout the specification, such as, e.g., in figures 8-18 and paragraphs 14-17. These amendments are therefore made without introducing new matter. The cited references fail to disclose, teach, or suggest all of the limitations of the currently pending claims. Applicants therefore respectfully submit that these claims are patentably distinct from the cited references and are in condition for allowance.

The Examiner rejected claims 1-5, and 7-19 under 35 U.S.C. § 102(b) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as being unpatentable over WO 94/11010 to Hon et al. Independent claims 26 and 37 recite the steps of (1) identifying an elevated level of a MMP in tissue, (2) applying the recited composition to modulate MMP expression, and (3) monitoring the MMP levels until the levels return to near zero. Hon et al. do not teach or suggest identifying and monitoring elevated MMP levels and administering the composition recited in the current claims until the MMP levels return near zero. As a result, Hon et al. fail to disclose, teach, or suggest all of the limitations of the independent claims 26 and 37. Hon et al. also fail to disclose, teach, or suggest all of the limitations of the dependent claims because the dependent claims incorporate all of the limitations of the independent claims.

The Examiner also rejected claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over Hon et al. in view of US 2002/0141964 to Patterson et al. Patterson et al. fail to disclose, teach, or

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suggest the limitations not taught or suggested by Hon et al. The combination of Hon et al. and Patterson et al. does not, therefore, disclose, teach, or suggest all of the limitations of the presently claimed invention.

CONCLUSION

Because the cited references neither alone nor in combination disclose, teach, or suggest all of the limitations of the present claims, Applicants respectfully submit that the claims are now in condition for allowance. Applicants invite the Examiner to telephone the undersigned representative if the Examiner believes that a telephonic interview would advance this case to allowance or if any clarifications are necessary.

Respectfully submitted,

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